

¹ Arçelik produced, in Turkey, all units of the four basic models. Beko US Inc. (“Beko”), a subsidiary of Arçelik, imported into the U.S. all units of the basic models imported since January 2017.

FINDINGS

Based on the facts stated above, DOE finds that basic models² DWT 56502 **WS, DWT 56502 ***, DWS 55100 ***, and DWS 51500 *** (“the noncompliant basic models”) do not comply with the applicable federal energy conservation standards of estimated annual energy use of no greater than 307 kWh and water consumption of no greater than 5.0 gallons per cycle.

NOTICE

Distribution in commerce of a covered product that does not meet the energy conservation standards is a violation subject to civil penalty, regardless of the issuance of this Notice. If Arçelik continues to distribute any of the noncompliant basic models, DOE may assess a higher civil penalty for units sold after the date of this Notice.

MANDATORY ACTION BY ARÇELIK

DOE understands that Arçelik has ceased distribution of the noncompliant basic models. Arçelik has provided to DOE records sufficient to show the number of units of the noncompliant basic models distributed in commerce in the United States from July 2016 through March 2019. 10 C.F.R. § 429.114(a). Specifically, Arçelik has reported to DOE that, during this period, a total of 35,578 units of the noncompliant basic models were imported into the United States by Beko and/or other U.S. distributors.

OPTIONAL ACTIONS BY ARÇELIK

Arçelik may elect to modify any of the noncompliant basic models to bring it into compliance with the applicable standards. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of part 429, any individual models within the basic model must be assigned new model numbers and Arçelik must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model prior to distribution in commerce. Prior to distribution in commerce in the United States, Arçelik must provide to DOE test data demonstrating that the modified basic model complies with the applicable standards.³ All units must be tested in accordance with DOE regulations, and Arçelik shall bear the costs of all such testing that is conducted.

If, after this testing, DOE determines that the modified basic model complies with the applicable standards, DOE shall issue a Notice of Allowance to permit Arçelik to resume the distribution of the modified basic model in the United States.

² For the purposes of this determination, a “basic model” is all units manufactured by Arçelik that have the same primary energy source and essentially identical electrical, physical and functional characteristics that affect energy consumption or energy efficiency. *See* 10 C.F.R. § 430.2.

³ DOE may require that an independent, third-party testing facility perform this testing.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Arçelik fail to cease immediately the distribution in the United States of all units of the basic models, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, Arçelik provides DOE with a satisfactory statement within that 30-day period detailing the steps that Arçelik will take to ensure that units of the noncompliant model will no longer be distributed in commerce in the United States, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

The distribution of any units of a noncompliant basic model may result in DOE seeking all appropriate legal remedies available under federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of federal law.

A handwritten signature in cursive script, reading "Laura Barhydt", is positioned above a horizontal line.

Laura L. Barhydt
Assistant General Counsel
for Enforcement